

Message Text

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ACTION OES-07

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UNCLAS NEW DELHI 9363

E.O. 11652: N/A
TAGS: ENRG, MNUC, IN
SUBJECT: G.K. REDDY ON NUCLEAR FUEL ISSUE

FOLLOWING SENT ACTION NEW DELHI FROM AMCONSUL MADRAS
JUNE 16, 1978 IS REPEATED TO YOU:

QUOTE
MADRAS 0990

E.O. 11652: N/A
TAGS: ENRG, MNUC, IN
SUBJECT: G.K. REDDY ON NUCLEAR FUEL ISSUE

FOLLOWING IS FULL TEXT OF G.K. REDDY ARTICLE APPEARING IN
JUNE 16 HINDU TITLED: "FUEL ISSUE: TEST OF U.S. SINCERITY."

BEGIN TEXT.

THE TEXT PHASE OF THE INDO-AMERICAN DIALOGUE ON THE
NUCLEAR ISSUE WILL BE MAINLY CONCERNED WITH THE FULFILMENT
OF THE U.S. CONTRACTUAL OBLIGATIONS DURING THE "GRACE PERIOD
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OF 18 TO 24 MONTHS" PROVIDED FOR IN THE NON-PROLIFERATION
ACT, WHILE THE TWO COUNTRIES WILL CONTINUE TO EXPLORE THE
PROSPECTS OF AN UNDERSTANDING ON FULLSCOPE SAFEGUARDS ON
A NON-DISCRIMINATORY BASIS IN AN INTERNATIONALLY ACCEPTABLE
FORM AS SPELT OUT BY THE PRIME MINISTER IN WASHINGTON.

THE U.S. ITSELF HAS CONCEDED THAT IT HAS AN OBLIGATION TO

CONTINUE COOPERATION DURING THE GRACE PERIOD TO KEEP OPEN THE DIALOGUE BOTH ON THE SHORT-TERM AND LONG-TERM ASPECTS OF THE SAFEGUARDS PROBLEM IN TERMS OF ITS NEW STATUTORY REQUIREMENTS, UNTIL THE BIG NUCLEAR POWERS HAVE MADE ENOUGH PROGRESS IN MEETING THE BASIC INDIAN CONDITIONS.

THE DIALOGUE OVER THE LONG-TERM ASPECTS OF THE SAFEGUARDS PROBLEM CANNOT BE KEPT UP IF THE UNQVFX#FAILS IN THE MORE IMMEDIATE CONTEXT TO COMPLY WITH ITS CONTRACTUAL OBLIGATIONS IN TERMS OF ITS OWN PUBLICLY STATED POLICY ADHERING TO ITS COMMITMENTS DURING THE INTERREGNUM TO THE EXTENT POSSIBLE IN THE PRESENT CIRCUMSTANCES. SO THE TEST OF U.S. SINCERITY WILL BE THE DEGREE OF DETERMINATION DISPLAYED BY THE CARTER ADMINISTRATION IN ENSURING THAT ALL THE PENDING APPLICATIONS FOR ENRICHED URANIUM ARE CLEARED BEFORE THE EXPIRY OF THE GRACE PERIOD, EVEN IF NO PROGRESS IS MADE IN COMING TO GRIPS WITH THE MORE FUNDAMENTAL ASPECTS OF THE SAFEGUARDS ISSUE IN ITS LONG-TERM CONTEXT.

SO THE CARTER ADMINISTRATION'S OBLIGATION TO KEEP THIS DIALOGUE OPEN BY CONTINUING THE FUEL SALES DURING THE GRACE PERIOD WILL NOT END WITH THE SHIPMENT OF THE 7.6 TONNES OF ENRICHED URANIUM FOR WHICH AN EXPORT LICENCE WAS SOUGHT BY INDIA ON A CONTINUING BASIS AS FAR BACK AS JANUARY, 1977. THERE IS ANOTHER APPLICATION FOR 16.7 TONNES THAT WAS MADE IN NOVEMBER 1977, AND THE NEXT ONE IS DUE TO BE FILED DURING THE FIRST UNCLASSIFIED

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HALF OF 1978, IF IT HAS NOT ALREADY BEEN DONE IN THE NORMAL COURSE. THESE FUEL SALES CANNOT BE WITHHELD BY THE U.S. DURING THE REST OF THE GRACE PERIOD IN TERMS OF ITS OWN INTERPRETATION OF THE TRANSITORY PROVISIONS OF THE NON-PROLIFERATION ACT, ESPECIALLY AFTER THE PRIME MINISTER'S UNILATERAL DECLARATION PERMANENTLY RENOUNCING THE RIGHT TO MAKE OR ACQUIRE NUCLEAR WEAPONS, AND ABJURING TESTS EVEN FOR PEACEFUL PURPOSES.

AT THE HIGH-LEVEL TALKS IN NEW YORK BETWEEN SENIOR INDIAN AND AMERICAN OFFICIALS, ON THE EVE OF MR. DESAI'S DISCUSSIONS WITH PRESIDENT CARTER IN WASHINGTON, THERE WAS NO MEETING GROUND AT ALL ON THE TECHNICAL AND LEGAL INTERPRETATIONS OF THE NATURE AND SCOPE OF THE SAFEGUARD REQUIREMENTS OF THE U.S. NON-PROLIFERATION ACT WITH ALL ITS PURSUIT AND PERPETUITY PROVISIONS. IF INDIA SUBMITTED ITSELF TO THESE CONDITIONS, IT WILL BE REDUCING ITSELF TO THE STATUS OF A MERE OPERATOR OF ITS NUCLEAR INSTALLATIONS, INCLUDING RESEARCH ESTABLISHMENTS AND MINERAL DEPOSITS, UNDER STRICT INTERNATIONAL CONTROL AND SUPERVISION AT ALMOST EVERY STAGE.

THE MEETING WAS TO HAVE BEEN ATTENDED FROM THE INDIAN SIDE BY THE PRINCIPAL SECRETARY TO THE PRIME MINISTER, MR. V.

SHANKAR, THE FOREIGN SECRETARY, MR. JAGAT MEHTA, AND THE CHAIRMAN OF THE ATOMIC ENERGY COMMISSION, DR. H.N. SETHNA, BUT THE SECRETARY IN THE EXTERNAL AFFAIRS MINISTRY, MR. M.A. VELLODI, WHO WAS ALREADY IN NEW YORK FOR THE DISARMAMENT CONFERENCE, SUBSTITUTED FOR MR. MEHTA WHO HAD TO DROP OUT BECAUSE OF THE DEATH OF HIS WIFE. THE AMERICAN SIDE WAS HEADED BY THE ASSISTANT SECRETARY OF STATE, MR. HAROLD SAUNDERS, AND THE CHIEF U.S. NEGOTIATOR ON NUCLEAR ISSUES, MR. JOSEPH NYE. IT WAS MADE ABUNDANTLY CLEAR AT THESE TALKS IN NEW YORK, BEFORE MR. DESAI MET PRESIDENT CARTER IN WASHINGTON, THAT THERE WAS NO QUESTION AT ALL OF INDIA ACCEPTING FULLSCOPE SAFEGUARDS IN THIS HIGHLY DISCRIMINATORY FORM UNTIL THE BIG POWERS WERE PREPARED TO SUBMIT THEMSELVES TO PARALLEL RESTRAINTS AS PART OF A WIDER INTERNATIONAL AGREEMENT.

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THE INDIAN EXPERTS MADE DETAILED CLAUSE-BY-CLAUSE ANALYSIS OF THE LEGAL AND TECHNICAL IMPLICATIONS OF THE NON-PROLIFERATION ACT TO GIVE THE PRIME MINISTER A FULL IDEA OF THE EXTENT OF THE SAFEGUARDS THAT THE U.S. WAS TRYING TO IMPOSE ON THIS COUNTRY FOR THE CONTINUED FULFILMENT OF ITS CONTRACTUAL OBLIGATIONS. THE CLARIFICATIONS PROVIDED BY THE U.S. OFFICIALS AT THE TALKS IN NEW YORK ONLY CONFIRMED INDIA'S MISGIVINGS THAT, IF IT SUBMITTED TO THESE TOTALLY ONE-SIDED RESTRICTIONS, IT WOULD BE REDUCING ITSELF FOR EVER TO THE LEVEL OF NUCLEAR SERFDOM.

AN INTERESTING FEATURE OF THESE INDO-AMERICAN EXCHANGES HAS BEEN THAT, AFTER HAVING LEGISLATED ITSELF INTO A CORNER AND BECOME A PRISONER OF ITS OWN PECULIAR UNILATERALISM, THE U.S. HAS BEEN CAREFULLY AVOIDING A DISCUSSION WITH INDIA ON THE LEGALITIES OF ITS BID TO GO BACK ON BILATERAL COMMITMENTS. UNDER THE VIENNA CONVENTION, A CONTRACTUAL OBLIGATION OF THE KIND THE U.S. HAS UNDERTAKEN TO SUPPLY FUEL TO THE TARAPUR PLANT FOR 30 YEARS, HAS ALL THE IMPLICATIONS OF A TREATY COMMITMENT THAT CANNOT BE REPUDIATED THROUGH DOMESTIC LEGISLATION. IT IS INDIA'S CONTENTION THAT THE TARAPUR AGREEMENT IS A BINDING ACCORD THAT IS TANTAMOUNT TO A TREATY OBLIGATION.

END TEXT. SIGNED MCCASKILL
UNQUOTE
BLOOD

NOTE BY OC/T: #AS RECEIVED.

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